

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MONICA D. REED, )  
 )  
Petitioner, )  
 )  
v. ) CIVIL NO. 08-cv-106-WDS  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )

**MEMORANDUM & ORDER**

**STIEHL, District Judge:**

Before the Court is petitioner's notice of appeal, which the Court construes as a motion for certificate of appealability (Doc. 44). Petitioner's notice of appeal includes a request that this Court appoint an attorney to assist her in the appeal process.

**I. Motion for Certificate of Appealability**

Issuance of a certificate of appealability requires the Court to find that petitioner has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In this case, petitioner has not made any showing of a denial of a constitutional right, and the Court, therefore, declines to issue a certificate of appealability.

**II. Request for Appointment of Counsel**

Petitioner asks this Court to appoint counsel to assist her with the appeal process, based upon the assertion that she is indigent. Up to this point, petitioner has proceeded pro se before this Court.

“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects

of the case involved in the appeal.’’’ *United States v. Ali*, 619 F.3d 713, 722 (7th Cir. 2010) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). Petitioner’s motion for appointment of counsel would be more appropriately handled by the Seventh Circuit Court of Appeals, which will be considering her appeal. In light of the fact that this Court does not have jurisdiction to consider this request, the Court, hereby, **DISMISSES** petitioner’s request for appointment of counsel, and informs her that she may file a motion in the Seventh Circuit Court of Appeals requesting the same.

### **Conclusion**

Accordingly, petitioner’s notice of appeal, construed as a motion for certificate of appealability (Doc. 44) is **DENIED**. Petitioner’s request for appointment of counsel to assist her with her appeal is **DISMISSED**.

**IT IS SO ORDERED**

**DATE: August 31, 2011**

**/s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**